

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

JUSTIN GARDNER,

Petitioner,

vs.

TAGGART BOYD,

Respondent.

8:21CV119

ORDER

On December 27, 2021, Petitioner Justin Gardner filed a Notice of Appeal (filing 33) which was docketed with the Clerk of the Eighth Circuit Court of Appeals on January 7, 2022 (filing 37-1). The Eighth Circuit entered an order directing Petitioner to either pay the \$505 appellate filing and docketing fee or file a motion for leave to proceed in forma pauperis in that court by February 4, 2022. (Filing 37.) On January 21, 2022, Petitioner filed in this court a Request for Transcript (filing 38); a “Supplemental Notice of Appeal” (filing 39), which purports to supplement his Notice of Appeal (filing 33) to include the court’s January 6, 2022 order (filing 35) as part of his pending appeal; and a Motion for Leave to Proceed on Appeal in Forma Pauperis (filing 40). Upon consideration,

IT IS ORDERED that:

1. To the extent Petitioner seeks this court’s permission to proceed in forma pauperis on appeal, his motion (filing 40) is denied for the reasons given in the court’s January 6, 2022 Memorandum and Order.

2. Petitioner’s Request for Transcript (filing 38), construed as a motion, is denied as there are no court proceedings to transcribe and the entire court record is available in electronic format for the Eighth Circuit Court of Appeals to review. *See* Eighth Circuit Rule 30A(a)(2).

3. The Clerk of the Court is directed to transmit Petitioner's Supplemental Notice of Appeal (filing 39) and Motion for Leave to Proceed on Appeal in Forma Pauperis (filing 40) to the Eighth Circuit Court of Appeals as a supplement to his Notice of Appeal (filing 33).

Dated this 26th day of January, 2022.

BY THE COURT:



Richard G. Kopf
Senior United States District Judge